

REMARKS

On page 2 of the final Action, claim 10 was rejected under 35 U.S.C. 112, first paragraph. In view of the rejection, claim 10 has been amended.

Also, in response to the final Action, claim 9 has been amended in independent form.

On page 3 of the final Action, claims 1-2, 5-7 and 9-11 were rejected under 35 U.S.C. 102(e) as being anticipated by Griffiths. On page 5 of the final Action, claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Griffiths in view of Falcoff.

However, it is believed that the claims pending in the application are patentable over the cited references, as explained below.

In a push button fastener of Griffiths, a guide rod 90 is disposed in a frame 92, and a housing 94 provided with cam elements 101, 102 is slidably situated in the guide rod 90. A plunger 98 slidably passes through a projecting arm 91 of the frame 92, and is provided with a cross pin 100 at the end thereof. The cross pin 100 traces along the cam elements 101 and 102. A compressive spring 106 is disposed on the plunger for urging the plunger 98 in a projecting direction.

In Griffiths, when the plunger 98 is pushed in and out, the housing 94 with the cam elements 101, 102 moves up and down relative to the frame 92, and the pin 100 engages with and disengages from the cam element 102.

In the final Action, the cam element 102 corresponds to the cam of the invention; the plunger 98 corresponds to the swing member of the invention; a washer 108 corresponds to the tip of the invention; a cross pin 100 corresponds to the pin of the invention; and the spring 106 corresponds to the spring member of the invention.

In the invention, the cam has the projection with a roughly heart shape and the swing groove formed around the projection. The cam itself is similar to the cam elements 101, 102 in Griffiths. However, in the invention, the cam is fixed on the base member. In Griffiths, the cam elements 101, 102 are provided in the housing 94,

and moved up and down upon actuation of the fastener.

In this respect, since the cam elements 101, 102 are fixed to the housing 94, if the housing 94 is considered as the base member, the cam elements 101, 102 are fixed to the base or housing 94, as in the invention. However, in the invention, it is also defined that the spring member is provided on the base member. In Griffiths, the spring 106 is disposed around the plunger 98 and is spaced from the housing 94. Therefore, if the housing 94 is considered as the base member of the invention as stated above, the spring 106 is not provided on the base member. Namely, if the housing 94 is considered as the base member, there arises inconsistency.

On the other hand, if the frame 92 is considered as the base member, though the spring 106 can be deemed as being provided on the frame 92, the cam elements 101, 102 are not fixed on the base member, different from claim 1.

Therefore, no matter how the base member is considered, the cam and the spring are not fixed or provided on the base member, as recited in claim 1. The examiner's interpretation of Griffiths is incorrect.

In the invention, the spring member is provided on the base member and located adjacent to the cam. However, in Griffiths, the spring 106 is located between the projecting arm 91 and the washer 108. Since the projecting arm 91 is located between the spring 106 and the cam elements 101, 102, the spring 106 is not deemed as being located adjacent to the cam elements 101, 102.

In the invention, the spring member contacts the tip of the swing member when the swing member is moved close to the projection to thereby urge the swing member from one side of the projection toward the other side of the projection. In Griffiths, the compressive spring 106 contacts the washer 108 all the time and does not contact a tip of the plunger 98 when the plunger 98 is moved close to the cam elements 101 and 102. Rather, the compressive spring 106 urges the plunger 98 outwardly all the time regardless of the position of the plunger 98.

Accordingly, the structure of claim 1 of the invention is not anticipated by Griffiths.

In claim 9, in addition to the structure of claim 1 as explained above, it is defined that said spring member is arranged such that when the pin does not engage the cam, the spring member does not contact the swing member. As stated before, in the Examiner's opinion, the plunger 98 having the pin 100 and engaging the cam elements 101, 102 corresponds to the swing member of the invention. Since the spring 106 is disposed around the plunger 98, the spring 106 always contact the plunger 98 regardless of the engagement and disengagement of the pin with the cam. In claim 9, when the pin does not engage the cam, the spring member does not contact the swing member. The structure of Griffiths is contradict to the recitation of claim 9. Thus, claim 9 is not anticipated by Griffiths.

Falcoff discloses an overhead console having a pivotable storage shelf-door. In Figs. 1 and 2 in Falcoff, an over head console 5 includes a wall structure 30 with an opening and a door 80 for closing the opening. The door 80 is provided with a catch 120 comprising a slot 125 defined by a recess 130 and a cam 135 with a notch 145. A spring detent 115 is attached to the wall structure 30 for engaging the notch 145 when the door 80 is closed and locked.

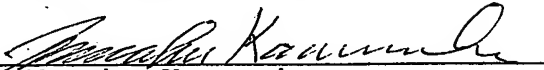
In the invention, the cam and the spring member are provided on the base member, and the swing member is provided on the movable member. In Falcoff, the cam 135 is provided on the door 80, i.e. a movable member, and the spring detent 115 is provided on the wall structure 30, i.e. a base member. In Falcoff, there is no disclosure or suggestion of the spring member contacting the swing member while the pin is tracing the swing groove. Therefore, Falcoff does not disclose or suggest the features of the invention. Even if Griffiths and Falcoff are combined, claim 8 of the invention is not obvious from the cited references.

As explained above, claims now pending in the application are patentable over the cited references.

Reconsideration and allowance are earnestly solicited.

Respectfully submitted,

HAUPTMAN KANESAKA BERNER
PATENT AGENTS, LLP

by 
Manabu Kanesaka
Reg. No. 31,467
Agent for Applicants

1700 Diagonal Road, Suite 310
Alexandria, VA 22314
(703) 519-9785